

Case No. CIV-21-205-HE

3. Defendant is filing this Notice of Removal within thirty (30) days after receipt of the Petition; therefore, the time period authorized for removal per 28 U.S.C. § 1446(b) has not yet expired.

4. Plaintiff is a citizen of the State of Oklahoma. **Petition, Ex. 1, ¶ 2.** Defendant Service Steel Warehouse Co., L.P. is a Texas Limited Partnership whose sole partner, SSW Management, L.L.C., is a Texas company with its principal place of business in Houston, Harris County, State of Oklahoma. **Petition, Ex. 1, ¶ 4; Texas Secretary of State Corporate Filing, Ex. 3.** Defendant Richard S. Ganzer is a citizen of Keller, Tarrant County, State of Texas. **Petition, Ex. 1, ¶ 3.** Defendant Ryder Truck Rental, Inc. is a Florida company with its principal place of business in Medley, Miami-Dade County, State of Florida.¹ **April 28, 2018 Annual Report, Ex. 4.** Defendant Travelers Insurance Co. is a Connecticut company with its principal place of business in Hartford, Hartford County, State of Connecticut.² **National Association of Insurance Commissioners Company Registration, Ex. 5.** There is therefore complete diversity among the parties.

5. In addition to complete diversity, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, establishing this case is properly removed per 28 U.S.C. §§ 1332, 1441, and 1446. Specifically, Plaintiff asserts in the Petition he seeks “damages for physical and mental pain and suffering, past and future; any physical impairment or disfigurement; impairment of earning capacity; reasonable expenses of the necessary medical care, treatment and services, past and future, all in excess of Seventy-Five Thousand Dollars (\$75,000.00).” **Petition, Ex. 1, ¶ 25.**

¹ The April 28, 2018 Annual Report incorrectly lists Defendant Ryder Truck Rental, Inc.’s principal place of business as 11690 NW 105th Street Miami, FL 33178. The correct address is 11690 NW 105th Street Medley, FL 33178.

² Plaintiff incorrectly named “Travelers Insurance Co.” as a Defendant. The vehicle involved in the motor vehicle collision giving rise to this cause of action was insured by an automotive insurance policy underwritten by The Travelers Indemnity Insurance Company of America. Thus, all references herein to Travelers Insurance Co. are to the proper party, The Travelers Indemnity Insurance Company of America.

6. The United States District Court for the Eastern District of Oklahoma is the appropriate court for filing a Notice of Removal from the court where the State Court Action is pending, the District Court for Okmulgee County, State of Oklahoma. Defendant accordingly seeks to remove the State Court Action to this Court.

7. Defendant will file a copy of the Notice of Removal with the State Court and provide written notice to all counsel of record upon receiving the federally-filed Notice of Removal in accordance with 28 U.S.C. § 1446(d).

8. Per 28 U.S.C. § 1446 and LCvR 81.2, copies of the court docket sheet and all responses, replies, or other papers filed and/or served in the State Court Action, Okmulgee County District Court Case No. CJ-2020-065 are attached hereto. **State Court Action Docket Sheet, Ex. 6; Summons Issued to Ryder Truck Rental, Inc., Ex. 7; Summons Issued to Travelers Insurance Co., Ex. 8; Summons Issued to Richard S. Ganzer, Ex. 9; Summons Issued to Service Steel, Ex. 10; Unopposed Motion to Extend the Time to Serve Defendants, Ex. 11; Order Granting Motion to Extend the Time to Serve Defendants, Ex. 12; Plaintiff's Motion to Serve Defendant Richard S. Ganzer by other Methods under 12 O.S. § 2004 or in the Alternative Extend Time within which to Complete Service, Ex. 13.**

9. This cause of action is removable to the United States District Court for the Eastern District of Oklahoma per 28 U.S.C. § 1441(a) and (b) and all other applicable statutes.

Respectfully submitted,

s/Myriah S. Downs

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Attorneys for Defendants Service

Steel Warehouse Co., L.P. and Richard S. Ganzer

CERTIFICATE OF SERVICE

This is to certify March 11, 2021, a true and correct copy of the above and foregoing was mailed, postage prepaid thereon, to:

Clark O. Brewster, OBA #1114

Montgomery L. Lair, OBA #17546

Mbilike M. Mwafulirwa, OBA #31164

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